

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

X

KEVIN GRACE,

NOTICE TO ADVERSE  
PARTY OF REMOVAL  
OF ACTION UNDER  
28 USC §1441(b)

Plaintiff(s),

-against-

Case #: 08CV1889

ABRAHAM MATTHEWS, SEAN CARROLL, and  
RYDER TRUCK RENTAL,

Defendant(s).

X

TO PLAINTIFF, KEVIN GRACE AND HIS ATTORNEY OF RECORD:

PLEASE TAKE NOTICE THAT a Notice of Removal of this action was filed in the United States District Court for Southern District of New York on February 26, 2008.

A copy of the said Notice of Removal is attached to this Notice, and is served and filed herewith.

Dated: February 28, 2008  
New York, New York

Stockschlaeder, McDonald  
& Sules, P.C.

By: \_\_\_\_\_

Richard T. Sules (RTS 1665)  
Attorney for Defendants  
161 William Street, 19<sup>th</sup> Floor  
New York, New York 10038  
(212) 608-1911

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

X

KEVIN GRACE,

Plaintiff(s),

AFFIDAVIT OF SERVICE

-against-

ABRAHAM MATTHEWS, SEAN CARROLL, and  
RYDER TRUCK RENTAL,

Case #: 08CV1889

Defendant(s).

X

STATE OF NEW YORK )

:ss.

COUNTY OF NEW YORK)

Joyce Lee-Hawkins, being duly sworn, deposes and says:

1. I am over 18 years of age, I am not a party to this action and I reside at Brooklyn, New York.

2. On February 28, 2008 I served the within Notice to adverse Party of Removal of Action, Notice of Removal, Demand for Jury Trial and Rule 7.1 Statement by depositing a true copy thereof enclosed in a post-paid wrapper, in an official depository under the exclusive care and custody of the United States Postal Service within New York State, addressed to the following:

SEE ATTACHED LIST:

  
Joyce Lee-Hawkins

Sworn to before me on  
28 day of February, 2008

Notary Public

Richard T. Sules  
Notary Public, State of New York  
No. 02SU4987933  
Qualified in New York County  
Commission Expires October 28, 2009

TO: James W. Badie, Esq.  
Attorney for Plaintiff  
660 White Plains Road, Suite 615  
Tarrytown, NY 10591

Sean Carroll  
2158 Matthews Avenue  
Bronx, New York 10461

Ryder Truck Rental  
117 Central Avenue  
Farmingdale, NY 11735

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

X

KEVIN GRACE,

Plaintiff(s),

-against-

ABRAHAM MATTHEWS, SEAN CARROLL, and  
RYDER TRUCK RENTAL,

Case #: 08CV1889

Defendant(s).

X

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NOTICE TO ADVERSE PARTY OF REMOVAL OF ACTION UNDER 28 USC §1441(b)

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STOCKSCHLAEDER, McDONALD & SULES, P.C.

Attorney(s) for: Defendant(s)

161 William Street, 19<sup>th</sup> fl.

New York, New York 10038

(212) 608-1911

File No. 2513.01

=====

Service of a copy of the within is hereby admitted

Dated:

=====

PURSUANT TO CPLR 2103(5) PLEASE TAKE NOTICE THAT THIS OFFICE DOES  
NOT ACCEPT SERVICE OF PAPERS BY ELECTRONIC MEANS.

JS 44C/SDNY  
REV. 12/2005

## CIVIL COVER SHEET

08 CV 1889

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS KEVIN GRACE

DEFENDANTS ABRAHAM MATTHEWS, SEAN CARROLL AND RYDER TRUCK RENTAL

## ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

James W. Badie, Esq., 660 White Plains Rd., Tarrytown,  
NY 10591; 914-332-4490

## ATTORNEYS (IF KNOWN)

Stockschlaeder, McDonald & Sules, 161 William St., NY, NY  
10038; 212-608-1911; (Def. Abraham Matthews)

## CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)

This action is a civil action of which this Court has original jurisdiction under 28 U.S.C. §1332 and is one which may be removed to this Court by defendant(s) pursuant to the provisions of 28 U.S.C. §1441(b) in that it is a civil action between citizens of different states and the matter in controversy exceeds the sum of \$75,000, exclusive of interest and costs.

Has this or a similar case been previously filed in SDNY at any time? No  Yes?  Judge Previously AssignedIf yes, was this case Vol  Invol.  Dismissed. No  Yes  If yes, give date \_\_\_\_\_ & Case No. \_\_\_\_\_

(PLACE AN [X] IN ONE BOX ONLY)

## NATURE OF SUIT

## ACTIONS UNDER STATUTES

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
	PERSONAL INJURY	PERSONAL INJURY		
[ ] 110 INSURANCE	[ ] 310 AIRPLANE	[ ] 362 PERSONAL INJURY - MED MALPRACTICE	[ ] 610 AGRICULTURE	[ ] 400 STATE REAPPORTIONMENT
[ ] 120 MARINE	[ ] 315 AIRPLANE PRODUCT LIABILITY	[ ] 365 PERSONAL INJURY PRODUCT LIABILITY	[ ] 620 FOOD & DRUG	[ ] 410 ANTITRUST
[ ] 130 MILLER ACT	[ ] 320 ASSAULT, LIBEL & SLANDER	[ ] 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY	[ ] 625 DRUG RELATED PROPERTY	[ ] 430 BANKS & BANKING
[ ] 140 NEGOTIABLE INSTRUMENT	[ ] 330 FEDERAL EMPLOYERS' LIABILITY	[ ] 630 LIQUOR LAWS	21 USC 881	[ ] 450 COMMERCE/ICC RATES/ETC
[ ] 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT	[ ] 340 MARINE LIABILITY	[ ] 640 RR & TRUCK LIABILITY		[ ] 460 DEPORTATION
[ ] 151 MEDICARE ACT	[ ] 345 MARINE PRODUCT LIABILITY	[ ] 650 AIRLINE REGS		[ ] 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO)
[ ] 152 RECOVERY OF DEFULTED STUDENT LOANS (EXCL VETERANS)	[x] 350 MOTOR VEHICLE	[ ] 660 OCCUPATIONAL SAFETY/HEALTH	[ ] 680 COPYRIGHTS	[ ] 480 CONSUMER CREDIT
[ ] 153 RECOVERY OF OVERPAYMENT OF VETERANS BENEFITS	[ ] 355 MOTOR VEHICLE PRODUCT LIABILITY	[ ] 690 OTHER	[ ] 830 PATENT	[ ] 490 CABLE/SATELLITE TV
[ ] 160 STOCKHOLDERS SUITS	[ ] 360 OTHER PERSONAL INJURY		[ ] 840 TRADEMARK	[ ] 810 SELECTIVE SERVICE
[ ] 190 OTHER CONTRACT				[ ] 850 SECURITIES/ COMMODITIES/ EXCHANGE
[ ] 195 CONTRACT PRODUCT LIABILITY				[ ] 875 CUSTOMER CHALLENGE
[ ] 196 FRANCHISE				12 USC 3410
	ACTIONS UNDER STATUTES			[ ] 891 AGRICULTURE ACTS
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS		[ ] 892 ECONOMIC STABILIZATION ACT
[ ] 210 LAND CONDEMNATION	[ ] 441 VOTING	[ ] 510 MOTIONS TO VACATE SENTENCE		[ ] 893 ENVIRONMENTAL MATTERS
[ ] 220 FORECLOSURE	[ ] 442 EMPLOYMENT	28 USC 2255		[ ] 894 ENERGY ALLOCATION ACT
[ ] 230 RENT LEASE & EJECTMENT	[ ] 443 HOUSING ACCOMMODATIONS	[ ] 530 HABEAS CORPUS		[ ] 895 FREEDOM OF INFORMATION ACT
[ ] 240 TORTS TO LAND	[ ] 444 WELFARE	[ ] 535 DEATH PENALTY		[ ] 900 APPEAL OF FEE DETERMINATION UNDER EQUAL ACCESS TO JUSTICE
[ ] 246 TORT PRODUCT LIABILITY	[ ] 445 AMERICANS WITH DISABILITIES - EMPLOYMENT	[ ] 540 MANDAMUS & OTHER		[ ] 950 CONSTITUTIONALITY OF STATE STATUTES
[ ] 290 ALL OTHER REAL PROPERTY	[ ] 446 AMERICANS WITH DISABILITIES - OTHER	[ ] 550 CIVIL RIGHTS		[ ] 890 OTHER STATUTORY ACTIONS
	[ ] 440 OTHER CIVIL RIGHTS	[ ] 555 PRISON CONDITION		

Check if demanded in complaint:

CHECK IF THIS IS A CLASS ACTION  
UNDER F.R.C.P. 23DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.?  
IF SO, STATE:

DEMAND \$ \_\_\_\_\_ OTHER \_\_\_\_\_ JUDGE STEIN DOCKET NUMBER 07CIV9589

Check YES only if demanded in complaint  
JURY DEMAND:  YES  NO

NOTE: Please submit at the time of filing an explanation of why cases are deemed related.

(PLACE AN X IN ONE BOX ONLY)

**ORIGIN**

1 Original Proceeding       2a. Removed from State Court       3 Remanded from Appellate Court       4 Reinstated or Reopened       5 Transferred from (Specify District)       6 Multidistrict Litigation       7 Appeal to District Judge from Magistrate Judge Judgment  
 2b. Removed from State Court  
AND at least one party is a pro se litigant

(PLACE AN X IN ONE BOX ONLY)

**BASIS OF JURISDICTION**

1 U.S. PLAINTIFF     2 U.S. DEFENDANT     3 FEDERAL QUESTION     4 DIVERSITY  
(U.S. NOT A PARTY)

**IF DIVERSITY, INDICATE CITIZENSHIP BELOW.**  
(28 USC 1332, 1441)

**CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)**

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF <input type="checkbox"/> 1 <input checked="" type="checkbox"/> 1	DEF <input type="checkbox"/> 1 <input type="checkbox"/> 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF <input type="checkbox"/> 3 <input type="checkbox"/> 3	DEF <input type="checkbox"/> 3 <input type="checkbox"/> 3	INCORPORATED <u>and</u> PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF <input type="checkbox"/> 5 <input type="checkbox"/> 5	DEF <input type="checkbox"/> 5 <input type="checkbox"/> 5
CITIZEN OF ANOTHER STATE	<input checked="" type="checkbox"/> 2	<input checked="" type="checkbox"/> 2	INCORPORATED <u>or</u> PRINCIPAL PLACE OF BUSINESS IN THIS STATE	<input type="checkbox"/> 4 <input type="checkbox"/> 4	<input type="checkbox"/> 4 <input type="checkbox"/> 4	FOREIGN NATION	<input type="checkbox"/> 6 <input type="checkbox"/> 6	<input type="checkbox"/> 6 <input type="checkbox"/> 6

**PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)**

KEVIN GRACE, JACKSONVILLE, FLORIDA, DUVAL COUNTY

**DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)**

Abraham Matthews, 41 Grant Ave., Stamford, CT, 06902, Fairfield County

Sean Carroll, 2158 Matthews Ave., Bronx, NY 10461; Bronx County

Ryder Truck Rental, 117 Central Ave., Farmingdale, NY, Nassau County

**DEFENDANT(S) ADDRESS UNKNOWN**

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one:  THIS ACTION SHOULD BE ASSIGNED TO  
(DO NOT check either box if this a PRISONER PETITION.)       WHITE PLAINS       FOLEY SQUARE

DATE  SIGNATURE OF ATTORNEY OF RECORD      ADMITTED TO PRACTICE IN THIS DISTRICT  
2/26/08       NO  
RECEIPT #  YES (DATE ADMITTED Mo. 12 Yr. 1987)  
Attorney Bar Code #

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge \_\_\_\_\_ is so Designated.

J Michael McMahon, Clerk of Court by \_\_\_\_\_ Deputy Clerk, DATED \_\_\_\_\_.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

X

KEVIN GRACE,

NOTICE OF REMOVAL  
OF ACTION UNDER  
28 USC §1441(b)

Plaintiff(s),

-against-

ABRAHAM MATTHEWS, SEAN CARROLL, and  
RYDER TRUCK RENTAL,

Defendant(s).

X

TO THE CLERK OF THE ABOVE ENTITLED COURT:

PLEASE TAKE NOTICE that defendant, ABRAHAM MATTHEWS, hereby removes to this Court the State court action described below.

1. On or about January 25, 2008 an action was commenced in the Supreme Court of the State of New York in and for the County of Bronx entitled KEVIN GRACE, plaintiff, and ABRAM MATTHEWS, SEAN CARROLL and RYDER TRUCK RENTAL, defendants as Case Number 300712/08.

2. The first date upon which defendant ABRAHAM MATTHEWS received a copy of the said complaint was on or about February 10, 2008. A copy of the summons and complaint are attached hereto as Exhibit "A".

3. This action is a civil action of which this Court has original jurisdiction under 28 U.S.C. §1332 and is one which may

be removed to this Court by defendant pursuant to the provisions of 28 U.S.C. §1441(b) in that it is a civil action between citizens of different states and the matter in controversy exceeds the sum of \$75,000, exclusive of interest and costs because plaintiff is a citizen of Florida and defendant ABRAHAM MATTHEWS is a citizen of Connecticut and defendants SEAN CARROLL and RYDER TRUCK RENTAL are citizens of New York.

Dated: New York, New York  
February 26, 2008

Stockschlaeder, McDonald & Sules,  
P.C., Esqs.  
Attorneys for Defendant(s)  
ABRAHAM MATTHEWS

By:

Richard T. Sules (RTS-1665)  
161 William Street, 19<sup>th</sup> Floor  
New York, New York 10038  
(212) 608-1911  
File No. 2513.01

TO: James W. Badie, Esq.  
Attorney for Plaintiff  
660 White Plains Road, Suite 615  
Tarrytown, NY 10591  
914-332-4490

Sean Carroll  
2158 Matthews Avenue  
Bronx, New York 10461

Ryder Truck Rental  
117 Central Avenue  
Farmingdale, NY 11735

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

X

KEVIN GRACE,

DEMAND FOR  
JURY TRIAL

Plaintiff(s),

-against-

ABRAHAM MATTHEWS, SEAN CARROLL, and  
RYDER TRUCK RENTAL,

Defendant(s).

X

Defendant ABRAHAM MATTHEWS, hereby demands trial by jury in  
this action.

Dated: February 22, 2008  
New York, New York

Stockschlaeder, McDonald & Sules,  
P.C., Esqs.  
Attorneys for Defendant(s)  
ABRAHAM MATTHEWS

By:

Richard T. Sules (RTS-1665)  
161 William Street, 19<sup>th</sup> Floor  
New York, New York 10038  
(212) 608-1911  
File No. 2513.01

TO: James W. Badie, Esq.  
Attorney for Plaintiff  
660 White Plains Road, Suite 615  
Tarrytown, NY 10591  
914-332-4490

Sean Carroll  
2158 Matthews Avenue  
Bronx, New York 10461

Ryder Truck Rental  
117 Central Avenue  
Farmingdale, NY 11735

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

---

Case No. 300712/08

KEVIN GRACE,

Plaintiff(s),  
-against- **Rule 7.1 Statement**

ABRAHAM MATTHEWS, SEAN CARROLL, and  
RYDER TRUCK RENTAL,

Defendant(s).

---

Pursuant to Federal Rule of Civil Procedure 7.1 [formerly local General Rule 1.9] and to enable District Judges and Magistrate Judges of the Court to evaluate possible disqualification or recusal, the undersigned counsel for Defendant ABRAHAM MATTHEWS (a private non-governmental party) certifies that the following are corporate parents, affiliates and/or subsidiaries of said party, which are publicly held.

NONE.

Dated: February 22, 2008  
New York, New York

Stockschlaeder, McDonald & Sules,  
P.C., Esqs.  
Attorneys for Defendant(s)  
ABRAHAM MATTHEWS

By:

Richard T. Sules (RTS-1665)  
161 William Street, 19<sup>th</sup> Floor  
New York, New York 10038  
(212) 608-1911  
File No. 2513.01

# **EXHIBIT "A"**

AK 5/14/2008  
File # 2513

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

KEVIN GRACE,

Plaintiff,

-against-

*over*  
*over*  
ABRAHAM MATTHEWS, SEAN CARROLL,  
and RYDER TRUCK RENTAL,

Defendants.

X Index No. 300712/2008  
Date Purchased: 01-25-2008

PLAINTIFF DESIGNATES BRONX  
COUNTY AS PLACE OF TRIAL

The basis of the venue is  
place of accident

X

**SUMMONS**

TO THE ABOVE NAMED DEFENDANTS:

**YOU ARE HEREBY SUMMONED** to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the plaintiff's attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: January 7, 2008

  
James W. Badic  
Attorney for Plaintiff KEVIN GRACE  
660 White Plains Road, Suite 615  
Tarrytown, New York 10591  
Telephone: (914) 332-4490

Defendants' Address:

ABRAHAM MATTHEWS  
41 Grant Avenue  
Stamford, CT 06902

SEAN CARROLL  
2158 Matthews Avenue  
Bronx, NY 10461

RYDER TRUCK RENTAL  
117 Central Avenue  
Farmingdale, NY 11735

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

KEVIN GRACE,

X  
Plaintiff,

INDEX NO. 3007112 (2008)

-against-

ABRAHAM MATTHEWS, SEAN CARROLL,  
and RYDER TRUCK RENTAL,

VERIFIED COMPLAINT

Defendants.

X

Plaintiff, KEVIN GRACE, by his attorney, James W. Badie, complaining of  
the Defendants, respectfully alleges as follows:

**AS AND FOR A FIRST CAUSE OF ACTION  
ALLEGING NEGLIGENCE AND GROSS AND WANTON CONDUCT IN THE  
OPERATION OF AUTOMOBILE BY DEFENDANT ABRAHAM MATTHEWS**

1. At all times relevant herein, Plaintiff was a resident of the Town of Bloomfield, County of Hartford, State of Connecticut and is now a resident of the City of Jacksonville, County of Duval, State of Florida.

2. Upon information and belief, and at all times relevant herein, Defendant ABRAHAM MATTHEWS, was and still is a resident of the City of Stamford, County of Fairfield, State of Connecticut.

*DKJ*  
3. Upon information and belief, and at all times relevant herein,

Defendant SEAN CARROLL, was and still is a resident of the City of New York,  
County of Bronx, State of New York.

*DKJ*  
4. Upon information and belief, and at all times relevant herein,

Defendant RYDER TRUCK RENTAL was and still is a domestic corporation  
organized and existing under the laws of the State of New York, is licensed to do  
business in the State of New York, and is doing business in the State of New  
York.

*A*  
5. Upon information and belief, and at all times relevant herein,

Defendant ABRAHAM MATTHEWS was the owner of a certain automobile, to  
wit, Jeep Liberty, bearing Connecticut State License Plate No. 242UPU, for the  
year 2006 (hereinafter "Jeep Liberty Vehicle").

*DKJ*  
6. Upon information and belief, and at all times relevant herein

Defendant, SEAN CARROLL was the operator of an Isuzu Utility Vehicle, bearing  
New York State License Plate No. 87475JV, for the year 2007 (hereinafter "Isuzu  
Utility Vehicle").

*DKJ*  
7. At all times relevant herein Plaintiff KEVIN GRACE was lawfully a passenger in the Isuzu Utility Vehicle which was being operated, managed and controlled by the Defendant SEAN CARROLL.

*DKJ*  
8. At all times relevant herein, the New England Thruway was and still is a public thoroughfare, in general use, running in the south-north direction in the City of New York, County of Bronx, State of New York.

*DKJ*  
9. On or about June 18, 2007 at about 4:00 p.m., the said Isuzu Utility Vehicle which was being operated, managed and controlled by Defendant SEAN CARROLL collided with said Jeep Liberty Vehicle which was being operated, managed and controlled by Defendant ABRAHAM MATTHEWS. A copy of the Police Accident Report is annexed hereto as Exhibit "A".

*DKJ*  
10. The aforesaid contact and collision was caused solely as the result of the negligence of Defendant ABRAHAM MATTHEWS without any fault or negligence of the Plaintiff contributing thereto in any manner.

11. Defendant ABRAHAM MATTHEW was negligent in, among other things: (a) operating said Jeep Liberty Vehicle at high and dangerous rate of speed; (b) operating said Jeep Liberty Vehicle without having the same under proper or adequate control; (c) failing to sound a horn or give the Plaintiff any warning of the approach of his Jeep Liberty Vehicle; (e) failing to reduce its speed in time to avoid striking the Isuzu Utility Vehicle in which Plaintiff was a passenger; and (f) failing to have proper lookout or to take proper precautions to avoid collision with the Isuzu Utility Vehicle, which was lawfully parked on the shoulder of said New England Thruway.

12. As a result of the aforesaid collision, Plaintiff KEVIN GRACE sustained serious personal injuries, was hospitalized and rendered sick, sore and lame, has suffered, and upon information and belief, will continue to suffer for a long time to come, and at least some of said injuries may be permanent.

13. As a result of the injuries to the Plaintiff as aforesaid, Plaintiff has been damaged in the sum of ONE MILLION DOLLARS (\$1,000,000.00).



**AS AND FOR A SECOND CAUSE OF ACTION  
FOR NEGLIGENCE AGAINST THE DEFENDANT SEAN CARROLL**

*RHR*  
14. Plaintiff repeats and realleges each and every allegation contained in paragraphs 1 through 13 of this Verified Complaint as if the same were fully set forth herein.

*DICL*  
15. Upon information and belief, on or about June 18, 2007, Defendant SEAN CARROLL was negligent in the operation, management and control of the said Isuzu Utility Vehicle.

*AMH*  
16. As a result of said negligence of the Defendant SEAN CARROLL as aforesaid Plaintiff suffered serious personal injuries.

*D*  
17. By reason of the foregoing, Plaintiff has been damaged in the amount of ONE MILLION DOLLARS (\$1,000,000.00).

**AS AND FOR A THIRD CAUSE OF ACTION  
FOR NEGLIGENT TRANSFER AND ENTRUSTMENT OF AUTOMOBILE  
BY THE DEFENDANT RYDER TRUCK RENTAL  
TO THE DEFENDANT SEAN CARROLL**

PLR

DKC

PL

18. Plaintiff repeats and realleges each and every allegation contained in paragraphs 1 through 17 of this Verified Complaint as if the same were fully set forth herein.
19. Upon information and belief, on or about June 18, 2007, the Defendant RYDER TRUCK RENTAL transferred and entrusted the said Isuzu Utility Vehicle to the Defendant SEAN CARROLL.
20. As a result of said transfer and entrustment of said Isuzu Utility Vehicle as aforesaid Plaintiff suffered serious personal injuries.
21. By reason of the foregoing, Plaintiff has been damaged in the amount of ONE MILLION DOLLARS (\$1,000,000.00).

WHEREFORE, Plaintiff demands judgment against the Defendants, jointly and severally, as prayed for in this Verified Complaint, for costs and expenses of this action, and for any other and additional relief as this Court deems just and proper.

Yours, etc.,

Dated: Tarrytown, New York  
January 7, 2008

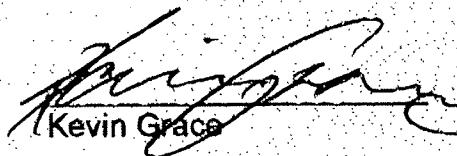
  
James W. Badie  
Attorney for Plaintiff  
660 White Plains Road, Suite 615  
Tarrytown, New York 10591  
Telephone: (914) 332-4490

Auto Aff'd  
Demands all  
X claim vs 6023  
SEAN CARPON and  
My Dog Rock Rental  
Tuxedo NY

**INDIVIDUAL VERIFICATION**

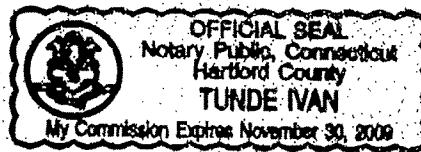
COUNTY OF Hartford)  
ss:  
STATE OF CT)

I, Kevin Grace, being duly sworn, deposes and says: I am the plaintiff in this action; I have read the foregoing Verified Complaint and know the contents thereof; the same is true to my own knowledge, except as to the matters herein stated to be alleged upon information and belief, and as to those matters I believe them to be true.



Kevin Grace

Sworn to before me this  
7 day of January, 2008

  
\_\_\_\_\_  
Notary Public

073081131  
800 217-3140

B88-863-4565

File 25B

Stack SPK/kedcr 02/28/2008

Scales

2/2-608-1911 2.09

2/2-608-2121

Index No. 300712 Year 2008

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

KEVIN GRACE,

Plaintiff,  
-against-ABRAHAM MATTHEWS, SEAN CARROLL,  
and RYDER TRUCK RENTAL,

Defendants.

**SUMMONS and VERIFIED COMPLAINT**

James W. Badie  
*Attorney for Plaintiff KEVIN GRACE*  
 Office and Post Office Address, Telephone  
 660 White Plains Road, Suite 615  
 Tarrytown, New York 10591  
 (914) 332-4490

TO

Signature (Rule 130-1.1-a)

Attorney(s) for

Print name beneath

Service of a copy of the within  
Dated,

is hereby admitted.

Attorney(s) for

**Please take notice** **NOTICE OF ENTRY**that the within is a true copy of a  
duly entered in the office of the clerk of the within named court on **NOTICE OF SETTLEMENT**that an order  
the within named court, at  
Dated;

of which the within is a true copy will be presented for

of

Yours, etc.

James W. Badie  
 Office and Post Office Address  
 660 White Plains Road, Suite 615  
 Tarrytown, New York 10591  
 Telephone: (914) 332-4490  
 Facsimile: (212) 244-1364  
 Email: [badielaw@worldnet.att.net](mailto:badielaw@worldnet.att.net)

0002/003

Page	1	of	1	Pages
Recorded	47	New York State Department of Motor Vehicles		
Accident No.	1582	POLICE ACCIDENT REPORT (NYC)		
MV-104AN (04)				10

New York State Department of Motor Vehicles  
POLICE ACCIDENT REPORT (NYC)  
MV-104AN (04)

CONTROLLED DOCUMENT  
DO NOT ALTER

Accident Date: 26 18 07 Day of Week: Monday Month: Jan No. of Vehicles: 2

## INVESTIGATED REPORT

No. Injured

No. Killed

Not Investigated or Scene

Unknown

Accident

Drowsy

Drunken

Diseased

RECEIVED 02/28/2008

PERSONS KILLED OR INJURED IN ACCIDENT (Letter designation of persons killed or injured must correspond with letter designation on front)					
A Last Name <b>Matthews ABRAHAM</b>	First FIRE	M.I. ML	D Last Name Address	FIRE	M.I. ML
Date of Birth Month Day Year 11 29 46	Telephone (Area Code) ( )		Date of Birth Month Day Year	Telephone (Area Code) ( )	
B Last Name <b>Carroll Sean</b>	First	M.I.	E Last Name Address	FIRE	M.I. ML
Date of Birth Month Day Year 11 27 78	Telephone (Area Code) ( )		Date of Birth Month Day Year	Telephone (Area Code) ( )	
C Last Name <b>Grace Kevin</b>	First FIRE	M.I. ML	Highway Dist. at Scene? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Name: <b>Komis</b> Street No. <b>10637</b>		
Date of Birth Month Day Year 10 19 80	Telephone (Area Code) ( )				

ENTER INSURANCE POLICY NUMBER FROM INSURANCE IDENTIFICATION CARD, EXPIRATION DATE (IN ALL CASES), AND VIN.

Vehicle No. 1

**NIA**

Expiration Date

VIN **1J4GK48K66W268315**Vehicle No. 2 **TRAVELERS INS. (Rental)**

Expiration Date

VIN **JALC4B16X77001592**

## WITNESS (Attach separate sheet, if necessary)

Name

Address

Phone

**None on scene**

## DUPLICATE COPY REQUIRED FOR:

Dept. of Motor Vehicles  
(If anyone is killed/injured)

Office of Comptroller  
(If a City vehicle involved)

Motor Transport Division  
(P.D. vehicle involved)

Personnel Safety Unit  
(If a P.D. vehicle involved)

NYC Taxi & Limousine Comm.  Other City Agency  
(If a Licensed taxi or limousine involved) (Specify)

Highway Unit \_\_\_\_\_

NOTIFICATIONS: (Enter name, address, and relationship of friend or relative notified. If victim is unidentified, list Missing Person Squad member who was notified. In other case, give date and time of notification.)

**P.D. Samuel (203) 553-9376 C 1740 hrs.**

## PROPERTY DAMAGED (other than vehicles)

## OWNER OF PROPERTY (Include city agency, where applicable)

## IF NYPD VEHICLE IS INVOLVED:

Police Vehicle Operator's Full Name	Last Name	Rank	Shield No.	Tax ID No.	Command
Make of Vehicle	Year	Type of Vehicle	Plate No.	Dept. Vehicle No.	Assigned To What Command

## Equipment in Use At Time of Accident

Siren  Horn  Tunnel Light  4-Way Flasher  High-Level Warning Lights  Traffic Cones  Headlights

## ACTIONS OF POLICE VEHICLE

<input type="checkbox"/> Responding to Code Signal	<input type="checkbox"/> Complying with Station House Directive
<input type="checkbox"/> Pursuing Violator	<input type="checkbox"/> Routine Patrol
<input type="checkbox"/> Other (Describe)	

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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KEVIN GRACE,

Plaintiff(s),  
-against-

ABRAHAM MATTHEWS, SEAN CARROLL, and  
RYDER TRUCK RENTAL,

Defendant(s).

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NOTICE OF REMOVAL OF ACTION  
UNDER 28, U.S.C. §1441 (B) (DIVERSITY) and JURY DEMAND

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STOCKSCHLAEDER, McDONALD & SULES, P.C.  
Attorney(s) for: Defendant(s)  
161 William Street, 19<sup>th</sup> fl.  
New York, New York 10038  
(212) 608-1911  
File No. 2513.01

=====

Service of a copy of the within is hereby admitted

Dated:

=====

PURSUANT TO CPLR 2103(5) PLEASE TAKE NOTICE THAT THIS OFFICE DOES  
NOT ACCEPT SERVICE OF PAPERS BY ELECTRONIC MEANS.